
315.58

Subcontracts

Overview

Introduction	A subcontract is any agreement with an external individual or organization to provide services to or through a project. Subcontracted services may include WIC clinic personnel. A subcontract does not affect the contractor's overall responsibility and accountability for services.
Subcontracts require authorization	All subcontracts paid with WIC funds \geq \$2,000 require prior written authorization from the Department. When subcontracts are part of the original grant application, approval of the application constitutes the necessary authorization. All changes and revisions to subcontracts also require prior written authorization from the Department.
Vehicle agreements	See Policy 315.52 for more information about documentation and cost analysis requirements for vehicle agreements.
Responsibility and accountability	The contractor is responsible for assuring that all subcontractors are properly licensed, certified or accredited as required under applicable state law and the Iowa Administrative Code. Methods of training of personnel and provision of ongoing communication of policies and regulations should be a part of a written agreement. See Policy 420.40 for more information about Procurement Standards and Subcontracting.

Components of a Subcontract

Required components

All WIC subcontracts must comply with IDPH General Conditions, section 5, Procurement Standards and Subcontracting. None of the work or service relating to the WIC contract shall be subcontracted to another organization or individual without specific prior written approval by the state WIC office except for subcontracts under \$2,000. The contract or agreement must contain:

- A list of work and services to be performed by the subcontractor.
 - The contract policies and requirements
 - Provision for the Department, the Contractor, and any of their duly authorized representatives to have access, for the purpose of audit and examination, to any document, papers, and records of the subcontractor pertinent to the subcontract.
 - The amount of the subcontract (must be \geq \$2000).
 - A line item budget of specific costs to be reimbursed under the subcontract or agreement or other cost basis for determining the amount of the subcontract as appropriate.
 - A statement that all provisions of this contract are included in the subcontract including audit requirements.
 - Period of performance.
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Confidentiality clause

All WIC subcontracts and agreements must contain a confidentiality clause that assures that the subcontractor will not share WIC participant information with a third party. The following clause must be used in each subcontract:

“The CONTRACTOR may employ WIC Program information only for the purposes of establishing the eligibility of WIC applicants and participants for the health or welfare programs that it administers, and for conducting outreach or eligibility to WIC applicants and participants for each program. The CONTRACTOR will not disclose any WIC information to a third party.”

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Components of a Subcontract, Continued

Civil rights

All WIC subcontracts and agreements must contain a nondiscrimination clause and USDA Nondiscrimination Statement to assure that the subcontractor will not discriminate against eligible WIC applicants and participants. The following nondiscrimination clause and USDA Nondiscrimination Statement must be used in each subcontract:

Nondiscrimination clause:

The CONTRACTOR will not discriminate against persons on the grounds of race, color, national origin, sex, age or disability. In the event of a nondiscrimination complaint, The CONTRACTOR will compile data, maintain records and submit reports as required to permit effective enforcement of the non-discrimination laws per Section 246.6(b)(10) of the WIC Regulations.

USDA Nondiscrimination Statement:

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotope, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#), (AD-3027) found online at: http://www.ascr.usda.gov/complaint_filing_cust.html, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) Mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;
- (2) Fax: (202) 690-7442; or
- (3) Email: program.intake@usda.gov.

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